

**TESTIMONY IN OPPOSITION TO SENATE BILL NO. 839 *AN ACT CONCERNING
MERGERS AND CONSOLIDATION OF CERTAIN STATE AGENCIES***

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By Jay E. Sicklick, Esq.

Deputy Director – Center for Children’s Advocacy, Inc.

Senator Slossberg, Representative Spallone and members of the Government Administration and Elections Committee, thank you for providing the **Center for Children’s Advocacy** with an opportunity to submit testimony to this committee. My name is Jay Sicklick, and I am the Deputy Director of the Center for Children’s Advocacy and Director of the Center’s Medical-Legal Partnership Project. The Center for Children’s Advocacy (“Center”) is a non-profit organization based at the University of Connecticut School of Law that provides holistic legal services for poor children in Connecticut through individual representation, education and training, and systemic advocacy. Our mission is to promote and protect the legal rights and interests of poor children who are dependent upon the judicial, child welfare, health and mental health, education, and juvenile justice systems for their care. The Center employs a number of methods to achieve its purposes including: systemic representation, individual representation, training for attorneys and child advocates, administrative advocacy, legislative advocacy and consultation. Since 1998, the Center has been the leading non-profit independent legal agency working to safeguard the rights of children at risk in Connecticut – and as a result we have developed a strong working relationship with numerous state agencies that provide invaluable services to children in the areas of child welfare, juvenile justice, education and health care provision. Among these relationships, we value our work with and support of the state Office of the Child Advocate, and it is on their behalf that we submit this testimony today in opposition to Senate Bill No. 839, An Act Concerning Mergers and Consolidation of Certain State Agencies.

Specifically, the Center for Children’s Advocacy opposes the governor’s bill on three main grounds. First, the consolidation and merger of the Office of the Child Advocate (“OCA”) with the Office of the Attorney General establishes an untenable conflict of interest for the Attorney General which will compromise the Attorney General’s office in the area of representing the state in child welfare and child protection proceedings. Second, the bill effectively eliminates the OCA’s independent oversight and review responsibilities that provide an invaluable independent check on the Department of Children and Families; and third, the bill limits the authority of the Child Fatality Review Board, including the elimination of in-depth investigation and review of any child fatality and the ability to issue public reports with recommendations following investigations of a death or near death of a child.

S.B. 839 Would Create An Irreconcilable Conflict of Interest For the Office of The Attorney General

The proposed bill seeks the consolidation of the OCA into an individual “Child Advocate” who will work “within the Office of the Attorney General.” See S.B. 839, §19. The Attorney General is statutorily mandated to represent the state Department of Children and Families (“DCF”) in every child abuse or neglect case that is brought to the Superior Court for Juvenile matters by the Attorney General on DCF’s behalf. Under S.B. 839, the Child Advocate retains the power to review and evaluate the delivery of services to children by state agencies (including DCF) *and* the power to “represent, appear intervene or bring an action on behalf of any child *in*

any proceeding before any court, agency, board of commission in this state..." See S.B. 839 §§ 20,22 (emphasis supplied). Under proposed bill 839, any review of DCF's policies, actions or procedures by the Child Advocate would create an apparent conflict of interest, as DCF relies on the Attorney General to provide legal representation in all of its legal actions involving policies and procedures. In addition, placement of the Child Advocate in the Office of the Attorney General would create a **legal conflict of interest** for the Attorney General if the Child Advocate exercised the right to "represent, appear, intervene, or bring an action" in any proceeding where DCF is a party. Pursuant to Conn. Rule of Prof. Conduct 1.7 (the law governing lawyers' ethical obligations in Connecticut), the Office of the Attorney General would be required to withdraw as counsel for DCF, and the state would be forced to incur additional expenditures by hiring outside counsel to represent it in any proceeding where the Child Advocate intervened.

S.B. 839 Would Effectively Eliminate the Valuable Review and Oversight Responsibilities of the Child Advocate Concerning Child Welfare and Juvenile Justice

Over the past several years, the OCA has provided invaluable oversight, evaluations and investigations of the agencies that provide direct services to Connecticut's children in the critical arenas of child welfare and juvenile justice. Most notably, OCA has led the independent investigations which have resulted in crucial programmatic changes at Riverview Hospital, the Connecticut Juvenile Training School, and the York Correctional Institution (York), the only female correctional facility in the state of Connecticut and the only site in the state where female minors are incarcerated. At Riverview, the state's only psychiatric hospital for minors, OCA worked with the federal court monitor to ensure that children were receiving adequate and quality care and the resulting investigation led to the implementation of an independent monitor to be housed at OCA for a two year period beginning in June 2007. The OCA has also been a catalyst through dedication of staff to advocate for girls at York, resulting in significant reforms at that facility. OCA's three year investigation and data analysis of girls involved with DCF who are placed at York culminated in a three year report released in July 2008 that represents the first comprehensive review of Connecticut's child welfare to adult prison pipeline. The governor's proposed evisceration of the OCA effectively terminates its ability to provide independent investigation of DCF in these critical areas of child welfare and juvenile justice.

S.B. 839 Unadvisedly Limits the Authority of the Child Fatality Review Panel and Eliminates a Valuable Resource for Families of Children with Special Needs

The Child Fatality Review Panel ("Panel") is presently staffed by the OCA. Under its leadership, the OCA reviewed over 500 unexplained or untimely child fatalities and fetal and infant deaths that occurred in 2008. This thorough and pain-staking review process provides important information about health and fatality risks to children and offers an important opportunity to examine the effectiveness of state agencies working with children at risk. In addition, OCA's work on anti-bullying initiatives, child suicide prevention models, and its leadership in the area of advocacy for children with special health care needs will effectively be curtailed under the proposed statutory revision. These important areas are premised on the OCA's ability to act as an independent, viable watchdog agency. The proposed bill eliminates the independence and oversight capabilities of the OCA, an agency that is a vital and necessary guardian of children at risk in Connecticut.